

# Mitigation Monitoring and Reporting Program Santa Clara Gardens Development Project



Lead Agency



City of Santa Clara  
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**EDAW**

Mitigation Monitoring and Reporting Program  
Santa Clara Gardens Development Project



Lead Agency



City of Santa Clara  
1500 Warburton Avenue  
Santa Clara, CA 95050

Contact:  
Kevin Riley, AICP  
Director of Planning and Inspection  
408/615-2450

Prepared by:  
EDAW  
2022 J Street  
Sacramento, CA 95814

Contact:  
Amanda Olekszulín  
916/414-5800

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# MITIGATION MONITORING AND REPORTING PROGRAM

## INTRODUCTION

This Environmental Mitigation Monitoring and Reporting Program (MMRP) has been prepared pursuant to the California Environmental Quality Act (CEQA) and the State CEQA Guidelines to provide for the monitoring of mitigation measures required of the Santa Clara Gardens Development Project (proposed project) as set forth in the Final Environmental Impact Report (FEIR) prepared for the project.

Section 21081.6 of the California Public Resources Code and Section 15091(d) and 15097 of the State CEQA Guidelines require public agencies “to adopt a reporting or monitoring program for changes to the project which it has adopted or made a condition of project approval in order to mitigate or avoid significant effects on the environment.” A Mitigation Monitoring and Reporting Program (MMRP) is required for the proposed project because the EIR for the project identified potentially significant adverse impacts related to construction and implementation activities, and mitigation measures have been identified to reduce most of those impacts to a less-than-significant level.

This MMRP will be adopted by the City Council as part of the certification of the EIR and project approval.

This MMRP will be kept on file at the City of Santa Clara Planning Department, 1500 Warburton Avenue, Santa Clara, CA 95050.

## PURPOSE OF THE MMRP

This MMRP has been prepared to ensure that all required mitigation measures are implemented and completed according to schedule and maintained in a satisfactory manner during project construction and implementation, as required. The MMRP may be modified by the City during project implementation, as necessary, in response to changing conditions or other refinements. A summary table (attached) has been prepared to assist the responsible parties in implementing and monitoring compliance with the MMRP. The table identifies individual mitigation measures, monitoring/mitigation timing, responsible person/agency for implementing the measure, monitoring procedures, and a record of implementation of the mitigation measures. The numbering of mitigation measures follows the numbering sequence found in the EIR.

## ROLES AND RESPONSIBILITIES

Unless otherwise specified herein, the City is responsible for taking all actions necessary to implement the mitigation measures according to the specifications provided for each measure and for demonstrating that the action has been successfully completed. The City at its discretion may delegate implementation responsibility or portions thereof to a licensed contractor.

The City will be responsible for overall administration of the MMRP and for verifying that City staff or a qualified construction contractor has completed the necessary actions for each measure. The City’s project manager will oversee the MMRP during the construction period. Duties of the project manager include the following:

- ▶ Ensure that routine inspections of the construction site are conducted by appropriate City staff; and check plans, reports, and other documents required by the MMRP.
- ▶ Serve as a liaison between the City and the construction contractor regarding mitigation monitoring issues.
- ▶ Complete forms and maintain records and documents required by the MMRP.
- ▶ Coordinate and ensure that corrective actions or enforcement measures are taken, if necessary.

## MONITORING SCHEDULE

Before the issuance of grading permits, City staff will be responsible for ensuring compliance with mitigation monitoring applicable to the project. City staff will prepare reports identifying compliance with mitigation measures. Once construction begins, monitoring of mitigation measures associated with construction will be included in the responsibilities of designated City staff who shall prepare reports of such monitoring until construction completes. Once construction is completed, the City will monitor the project as deemed necessary.

## CHANGES TO MITIGATION MEASURES

Any substantive change in the MMRP made by City staff shall be reported in writing to the Director of Planning and Inspection. Reference to such changes shall be made in the Development Agreement. Modifications to the mitigation measures may be made by City staff subject to one of the following findings and documented by evidence included in the record:

1. The mitigation measure included in the Final EIR and the MMRP is no longer required because the significant environmental impact identified in the Final EIR has been found not to exist or to occur at a level which makes the impact less than significant as a result of changes in the project, changes in conditions of the environment, or other factors.

OR

2. The modified or substitute mitigation measure to be included in the MMRP provides a level of environmental protection equal to or greater than that afforded by the mitigation measure included in the Final EIR and the MMRP.

AND

3. The modified or substitute mitigation measures do not have significant adverse effects on the environment equal to or greater than those which were considered by the responsible hearing bodies in their decisions on the Final EIR and the proposed project.

AND

4. The modified or substitute mitigation measures are feasible, and the City, through measures included in the MMRP or other City procedures, can assure their implementation.

Findings and related documentation supporting the findings involving modifications to mitigation measures shall be maintained in the project file with the MMRP and shall be made available to the public upon request.

## MMRP SUMMARY TABLE

The MMRP Summary Table that follows should guide the City in its evaluation and records of the implementation of mitigation measures.

The column categories identified in the MMRP Summary Table are described below:

**Impact Number** – lists the impacts requiring mitigation by number.

**Mitigation Measure** – provides the text of the mitigation measures identified in the EIR.

**Monitoring Action** – identifies the elements of the mitigation that will be monitored for compliance with the MMRP.

**Implementation Responsibility** – identifies the entity responsible for complying with the requirements of the mitigation measure.

**Timing/Schedule** – lists the time frame in which the mitigation will take place.

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Impacts	Mitigation Measures	Monitoring Action	Responsibility	Timing
<b>4.4 NOISE</b>				
<b>4.4-3: Exterior Noise Level Impacts.</b> Exterior noise levels in open courtyard areas of the senior housing site (i.e., open space and garden areas) currently exceed and would continue to exceed the state and city's exterior noise standard of 55 dB Day Night Average Level Ldn). This would be a significant impact.	To minimize noise impacts in open courtyard areas of the senior housing site, the developers shall direct the preparation of acoustical mitigation by a qualified acoustical engineer with expertise in mitigating traffic noise impacts to noise-sensitive land uses. If deemed necessary, mitigation measures to reduce noise levels at affected land uses shall be included at the site and/or in building design and implemented as prescribed. Such measures may include the location of buildings to block roadway noise, siting of open space areas outside areas with exterior noise levels that are greater than 55 dB Ldn, or installation of facilities (i.e., wall or berm) that would attenuate traffic noise levels. Implementation of recommended design measures would occur on the project site and would not cause substantial changes in project grading, construction, or design plans. As such, impacts of such improvements are similar to impacts of the proposed project, which is evaluated in detail throughout this EIR. The project developers shall ensure that exterior noise levels in public use areas do not exceed 55 dBA.	Verify noise reduction measures in the design plan; and verify that the exterior noise levels in public use areas do not exceed 55dBA prior to building occupancy.	<i>Implementation:</i> Project Sponsors, Project Contractors  <i>Monitoring:</i> City Planning and Building Inspection Divisions	On-going and prior to issuance of first occupancy
<b>4.4-5 Demolition and Construction Noise.</b> Construction-related noise levels could reach 88 dBA at adjacent residences. Although construction-related noise impacts would be short-term, temporary, and would cease after the project is complete, these noise levels could exceed the City of Santa Clara's maximum allowable noise standard of 75 dBA.	To minimize noise impacts to nearby sensitive receptors, the developers shall: <ul style="list-style-type: none"> <li>a. Close all equipment engine doors on motorized equipment during operation.</li> <li>b. Not leave motorized construction equipment idling when not in use.</li> <li>c. Restrict hours of construction as regulated by City of Santa Clara Ordinance (7 a.m. to 6 p.m., Monday through Friday; 9 a.m. through 6 p.m. on Saturdays; no construction on Sundays or holidays observed).</li> </ul>	Verify noise reduction measures incorporated into construction plan; and verify construction operation occur within specified hours of operation.	<i>Implementation:</i> Project Sponsors, Project Contractors  <i>Monitoring:</i> City Planning and Building Inspection Divisions	Continually during the construction phase.

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<b>4.8 HYDROLOGY AND WATER QUALITY</b>				
<p><b>4.8-2: Storm Drainage Impacts.</b> Implementation of the project would increase the amount of impervious surface area, which could generate storm water runoff volumes that exceed the capacity of the City's existing storm drainage system.</p>	<p>The developers shall prepare and implement Comprehensive Storm Water Drainage Plan for the project, which shall be reviewed and approved by the City of Santa Clara Public Works and Planning Departments. This plan shall identify storm water drainage facilities that would be constructed to reduce the peak flow of storm water generated during a 10-year storm event below existing generation rates (i.e., 1.9 cfs for any flows that discharge to the Winchester Boulevard system). The project applicant shall submit its storm drain plans to the City for approval. These plans shall demonstrate that no more than 1.9 cfs of storm water would be discharged to Winchester Boulevard.</p> <p>If it is determined during final design of the project that sufficient capacity in the Forest Avenue system would not be available to serve the project's currently proposed discharge volumes (i.e., 22.2 cfs), the project applicant, as part of its Comprehensive Storm water Drainage Plan, shall ensure that project-related storm water discharges do not exceed the capacity available (as determined by the City) within the Forest Avenue system. Potential options for ensuring the capacity of the Forest Avenue system is not exceeded include the replacement of existing storm water pipeline or construction of a new pipeline parallel to the existing storm water line from Forest Avenue to the San Tomas Aquino Creek box culvert. This option would result in construction within existing road right-of-way or urban developed areas (e.g., sidewalks, lawn). This option would not result in any new significant impacts that have not been previously identified throughout this EIR. An alternate option would be to upsize existing storm water facilities within the project site to provide capacity to detain storm water on-site for longer periods of time to allow the timed discharge of storm water to the Forest Avenue system so not to exceed its capacity. This option would occur within the project site footprint and would not result in any new significant environment impacts that have not been identified throughout this EIR.</p>	<p>Verify preparation of Storm Water Drainage Plan prior to issuance of grading permit; City approval of storm drain plan; and verify sufficient capacity is available within the Forest Avenue system to handle project flows.</p>	<p><i>Implementation:</i> Project sponsors, City of Santa Clara Department of Public Works, City of Santa Clara Planning Department, and the RWQCB</p> <p><i>Monitoring:</i> City of Santa Clara Department of Public Works/ Street Department</p>	<p>Prior to issuance of grading permits</p>



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<b>4.9 PUBLIC SERVICES AND UTILITIES</b>				
<b>4.9-4: Storm Drainage System Impacts.</b> Project-related storm water volumes could exceed the capacity of the City's Forest Avenue storm drainage system.	Implement Mitigation Measure 4.8-2.	Verify preparation of Storm Water Drainage Plan prior to issuance of grading permit; City approval of storm drain plan; and verify sufficient capacity is available within the Forest Avenue system to handle project flows.	<i>Implementation:</i> Project sponsors, City of Santa Clara Department of Public Works, City of Santa Clara Planning Department, and the RWQCB  <i>Monitoring:</i> City of Santa Clara Department of Public Works / Street Department	Prior to issuance of grading permits
<b>4.10 TRANSPORTATION AND CIRCULATION</b>				
<b>4.10-3: Vehicular Site Access and On-site Circulation Impacts.</b> Proposed vehicular circulation routes for the project would adequately serve the on-site housing units. The addition of a project roadway as a new leg could result in potential operational and safety problems at the Winchester Boulevard/Forest Avenue (east) intersection, if the signal remains in its current configuration.	The project developers shall coordinate with the City of Santa Clara Public Works Department and the City of San Jose Public Works Department to re-design the traffic signal control of the Forest Avenue (west) intersection with Winchester Boulevard. The redesign could include restricting this intersection to right-turns only (Exhibit 4-11a) so that the developments northerly roadway becomes the west approach to the modified intersection. The project driveway could then be accommodated at the Winchester Boulevard/Forest Avenue (east) intersection in a more typical configuration with fewer conflicting turning movements. With this modification, all of the existing traffic that is currently turning left at the Winchester Boulevard/Forest Avenue (west) intersection would be redirected to other routes, including the intersections of Winchester Boulevard with Pruneridge Avenue/Hedding Street and Winchester Boulevard with Dorcich Street. Traffic modeling for these intersections with the additional project-related trips indicates that all three intersections would operate at acceptable levels. The	Verify that the Winchester Boulevard and Forest Avenue intersection mitigation is included in the design plan; verify that City of San Jose has approved the mitigation. If the City of San Jose does not approve the mitigation, this impact is considered Significant and Unavoidable. Please see the Findings and Statement of Overriding Considerations for the project.	<i>Implementation:</i> Project Sponsor, City of San Jose  City of Santa Clara Street Department, the City of San Jose Department of Transportation.  <i>Monitoring:</i> City of Santa Clara Streets Department, the City of San Jose Department of Transportation.	Prior to buildout of the project

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	<p>recommended intersection improvements would result in the Winchester Boulevard intersection with Pruneridge Avenue/Hedding Street continuing to operate at LOS C and D, and intersections of Winchester Boulevard at Forest Avenue (east) and at Dorcich Street are projected to operate at LOS B and C, respectively. An alternate design concept for this improvement is shown in Exhibit 4.11-b. This design would result in the same operational improvements as the option described above and could be constructed within the existing roadway alignment. The City of San Jose shall approve of the traffic re-design for the signal at the Forest (west)/Winchester intersection.</p> <p>The following design/operational options to the above mitigation measure could be implemented to mitigate this impact. None of these options would require greater right-of-way access than the above intersection improvement.</p> <ul style="list-style-type: none"> <li>▶ Implement the above intersection improvement, except prohibit left turn access from South Winchester Boulevard to the Burger Barn driveway by extending the roadway median island;</li> <li>▶ Implement the above intersection improvement and allow left turn access from South Winchester Boulevard to the Burger Barn driveway, and allow left turn access from Forest Avenue to northbound Winchester Boulevard; and</li> <li>▶ Implement the above intersection improvement, except create an additional left-turn lane (i.e., restriping or reconfiguration within existing right-of-way) to allow left turn access from northbound Winchester Boulevard to westbound Forest Avenue.</li> </ul>			
<b>4.10-5: Impacts to Emergency Vehicle Access.</b> The project would provide adequate emergency access to the project site. However, construction	The developers shall prepare a Construction Management Plan and submit the plan to the City of Santa Clara Public Works Department and City of San Jose Department of Transportation for review and approval. The Construction Management Plan shall identify the timing of construction and the timing of	Verify submittal of Construction Management Plan	<i>Implementation:</i> Project sponsor  <i>Monitoring:</i> City of Santa Clara Public Works	At least 14 days prior to any construction activities

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vehicles could temporarily obstruct local roadways, which could impair the ability of local agencies to respond to an emergency in the project area.	elements that would result in the full or partial blockage of local roadways. The plan shall specify the measures that would be implemented to minimize traffic-related impacts including construction parking during construction, which shall be limited to on-site areas or facilities designated for parking uses (i.e., parking garage). These measures could include, but are not limited to the following: use of signage notifying travelers that they are entering a construction zone, and use of cones, flaggers, and guide-vehicles to direct traffic through the construction zone. A copy of the plan shall be submitted to local emergency response agencies and these agencies shall be notified at least 14 days before the commencement of construction that would partially or fully obstruct local roadways.		Department and City of San Jose Department of Transportation, and local emergency response agencies.	
<b>4.10-6: Conformity with City Parking Requirements.</b> The project would provide adequate parking for the proposed single-family residential development in conformance with City parking standards. The senior housing facility proposes one parking space for each residential unit (165 spaces).	The senior housing developer shall coordinate with the City of Santa Clara Planning Department to identify the required number of parking spaces for the senior housing development. The developer shall design the senior housing facility to provide the appropriate number of spaces.	Verify sufficient senior housing parking would be provided in design plan	<i>Implementation:</i> Project sponsor  <i>Monitoring:</i> City of Santa Clara Planning Department	Prior to issuance of grading permits
<b>4.10-8: Pedestrian and Bicycle Circulation Impacts.</b> The project would add pedestrian demand across Winchester Boulevard and would increase demand for bicycle facilities. Specific information on improvements to off-site pedestrian facilities and the project's bicycle facilities is not available at this time.	The developers shall coordinate with the City of Santa Clara Public Works Department and the VTA, and City of San Jose Department of Transportation to identify the necessary off-site pedestrian and on-site bicycle facilities to serve the proposed development. These facilities shall be incorporated into the project. Pedestrian facilities could include, but are not limited to the following: marked crosswalks, curb cuts, pedestrian signal heads, and signal timing at the intersection of Winchester Boulevard and Forest Avenue. Circulation and access facilities at the proposed park shall include sidewalks that meet American with Disability Act Standards, curb cuts, and signage. Bicycle	Verify off-site pedestrian and on-site bicycle facilities approved by Santa Clara, VTA, and San Jose Department of Transportation are incorporated into project designs.	<i>Implementation:</i> Project Sponsors  <i>Monitoring:</i> City of Santa Clara Public Works Department/Traffic Engineering, VTA, and City of San Jose Department of	Prior to issuance of grading permits

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	parking shall conform to VTA standards and shall be located in a high visibility area to encourage bicycle travel and discourage vandalism.		Transportation	
<b>4.11 CULTURAL RESOURCES</b>				
<b>4.11-3: Impacts to Previously Undiscovered Cultural Resources.</b> Development of the site may disturb previously undiscovered or unrecorded archaeological sites.	<p>In the event any archaeological resources are discovered during site earthwork activities, all earthwork activities in the vicinity of the find shall halt and the applicant shall retain the services of a qualified archaeologist to evaluate the resources found on-site. The archeologist shall document their provenance and nature (through drawings, photographs, written description, etc., as necessary). The monitor will then direct the work to either proceed if the find is deemed to be insignificant or is adequately documented and resolved, or continue elsewhere, as appropriate, until adequate mitigation measures are adopted or the matter is otherwise resolved to the satisfaction of the City.</p> <p>Once a find has been made and deemed to be significant, the archaeologist will then submit a Treatment Plan (if one was not previously approved) to the City. The key elements of a treatment plan shall include the following:</p> <ul style="list-style-type: none"> <li>a) Identify scope of work and range of subsurface effects (include location map and development plan).</li> <li>b) Describe the environmental setting (past and present) and the historic prehistoric background of the parcel (potential range of what might be found).</li> <li>c) Develop research questions and goals to be addressed by the investigation (what is significant vs. what is redundant information).</li> <li>d) Detail field strategy used to record, recover, or avoid the finds (photos, drawings, written records, provenience data maps, soil profiles, excavation techniques, standard archaeological methods) and address research goals.</li> <li>e) Analytical methods (radiocarbon dating, obsidian studies,</li> </ul>	In the event artifacts are discovered, verify a qualified archaeologist is retained, and verify a Cultural Resource Treatment Plan is prepared and approved by the City.	<p><i>Implementation:</i> Project Sponsor, Project contractor</p> <p><i>Monitoring:</i> Santa Clara City Planning and Building Inspection Divisions</p>	During construction phase if artifacts are uncovered

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	<p>bone studies, historic artifact studies [list categories and methods], packaging methods for artifacts, etc.).</p> <p>f) Report structure, including a technical and layman's report and an outline of document contents in one year of completion of development (provide a draft for review before a final report).</p> <p>g) Disposition of the artifacts.</p> <p>h) Appendices: site records, update site records, correspondence, consultation with Native Americans, etc. The need for a burial agreement plan for Native American burials can be incorporated into Treatment Plan but must be done in consultation with MLD. Plan should detail goals, methods, and disposition of remains and associated artifacts.</p>			
<b>4.11-4: Disturbance of Previously Undiscovered Human Remains.</b> The project or development option could disturb previously undiscovered human remains.	If human remains are encountered during project construction, the requirements of California Health and Safety Code Section 7050.5 and Section 7052 and California Public Resources Code Section 5097 will be met. The California Health and Safety Code requires that if human remains are found in any location other than a dedicated cemetery, excavation is to be halted in the immediate area, and the county coroner is to be notified to determine the nature of the remains. The coroner is required to examine all discoveries of human remains within 48 hours of receiving notice of a discovery on private or state lands (Health and Safety Code Section 7050.5[b]). If the coroner determines that the remains are those of a Native American interment, then the Native American Heritage Commission shall be consulted to identify the most likely descendants and the appropriate disposition of the remains.	<p>In the event human remains are discovered, verify the coroner is contacted and consultation with Native American Heritage Commission occurs if deemed necessary by the coroner.</p> <p>City representatives shall confirm procedural compliance.</p>	<p><i>Implementation:</i> Project sponsors, Project Applicants</p> <p><i>Monitoring:</i> City Planning and Building Inspection Divisions, County Coroner, Native American Heritage Commission</p>	During the construction phase if remains are encountered